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May 15, 2023

VIA ECF

Hon. Paul G. Gardephe, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Court Room 705
New York, New York 10007

**Re: *Brink's Global Services USA, Inc. v. Bonita Pearl, Inc., et al.*,
Case No.: 1:22-CV-06653-PGG**

Dear Judge Gardephe:

Our firm represents the Defendant jewelers in this matter. We write pursuant to Section II(B) of the Court's Individual Rules and ECF Filing Rule 21.7 to correct an error we have discovered in the provisional redaction of documents previously filed. On May 1, 2023, in connection with our redacted Letter of Opposition (ECF 152) to Plaintiff's request for authorization to file a Rule 56 summary judgment motion (ECF 142), we filed a letter notifying the Court and seeking permission to file that redacted Letter of Opposition (ECF 153), so as not to publicly reveal information that Plaintiff designated as "Confidential" or "Highly Confidential" under the protective order entered in this action (ECF 108). We filed our unredacted Letter of Opposition as well (ECF 154).

Late in the day on May 12, 2023, Defendants' counsel unilaterally discovered an inadvertent error in the redaction process that resulted in one page of deposition that should have been redacted actually being placed in the public record. Our office notified the Southern District Help Desk immediately, and that page has been temporarily sealed pending our seeking permission from the Court to add that page to the portion of our Opposition that is provisionally sealed. The specific passage that was supposed to be sealed with our original filing, by page and line reference, was 84:25-86:2 from the Deposition of James Beaty (ECF 152-2). Due to clerical error, only 84:25-85:2 was originally redacted. As indicated above, per the Help Desk, this error has been corrected on a temporary basis by the temporary sealing of ECF 152-2, and we request that the Court allow the provisional sealing of the entire passage of Mr. Beaty's deposition from

Hon. Paul G. Gardephe, U.S.D.J.

May 15, 2023

Page 2

84:25-86:2. Attached is a correctly redacted version of ECF 152-2 which we request replace that exhibit currently in the record.

Notwithstanding this request for correction to comply with the protective order, Defendants continue to disagree with and object to the redaction and sealing of this and other deposition testimony. Brinks has submitted its motion to redact and seal (ECF 155) and Defendants have submitted their opposition to that motion (ECF 160). That motion remains pending decision.

Respectfully submitted,

/s/ Steven C. Shuman

SCS:mf

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cc: All counsel